

REMARKS

This Amendment, filed in reply to the Office Action dated September 5, 2008, is believed to be fully responsive to each point of objection and rejection raised therein. Accordingly, favorable reconsideration on the merits is respectfully requested.

Claims 1 and 3-14 are all the claims pending in this application. Claims 1, 3-11 and 13 are allowed. Claims 12 and 14 are rejected.

I. Rejection of Claims 12 and 14 Under 35 U.S.C. § 112, Second Paragraph is Moot

The Examiner newly rejects Claims 12 and 14 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicants regard as the invention.

The Examiner asserts that the claims do not explain the relationship between the compositions in the preambles and those used in steps A and B of Claim 1 and B and C of Claim 13.

Our comments

Applicants herewith cancel Claims 12 and 14. Applicants note that the rejection of Claims 12 and 14 is moot in view of the cancellation of the claims.

Withdrawal of the rejection is respectfully requested.

II. Rejection of Claims 12 and 14 Under 35 U.S.C. § 102(b) is Moot

The Examiner maintains rejection of Claims 12 and 14 under 35 U.S.C. § 102(b) as being anticipated by Grimm *et al.* (U.S. 5,229,109).

The Examiner asserts that Claims 12 and 14 are drawn to a pharmacological composition for use in the methods of Claims 1 and 13, and a potential interpretation is a composition comprising peripheral blood mononuclear cells derived from the patient. Further, the Examiner

asserts that Grimm et al. disclose a composition comprising peripheral blood mononuclear cells obtained from an animal to be treated. Finally, the Examiner states that the recitation of a pharmaceutical composition for “use in the method for the prevention or treatment of a graft vs. host disease” has not been given patentable weight because the recitation occurs in the preamble.

Our comments

The rejection of Claims 12 and 14 is moot in view of the cancellation of the claims.

Withdrawal of the rejection is respectfully requested.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

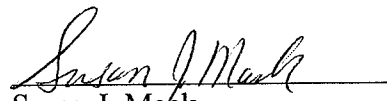
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